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SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 27 March 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-12112 (E)

The meeting was called to order at 10.10 a.m.

THE RIGHT TO DEVELOPMENT (agenda item 7) (E/CN.4/2000/19-21; E/CN.4/2000/NGO/54, 70, 99 and 123; E/CN.4/1999/WG.18/2)

1. Mr. SENGUPTA (Independent expert on the right to development) said that his study, contained in document E/CN.4/1999/WG.18/2, had not yet been considered although it had been submitted to the open-ended working group on the right to development in July 1999. He did not believe it would be prudent or useful to amend the study until he had received instructions from the working group.

2. The essential theme of the study was that there was no distinction between civil and political rights, on the one hand, and economic, social and cultural rights, on the other. What was required was the freedom to develop. While the North-South divide of the 1970s had lost much of its relevance, the urge for equality of opportunity and social justice remained a fundamental motivation of all human rights claims. Development meant not just the provision of material goods but also the freedom to choose one's destiny. States must accept their responsibility for assuring the realization of the right to development.

3. His study had also developed three lines of action that the world community could adopt to enhance enjoyment of some basic rights. He did not assert that they were more important rights than others, but simply that goals were achievable in those areas. The world could be made free of hunger, poverty and illiteracy within five to seven years, thereby enhancing human dignity, the fundamental reason for pursuing the right to development.

4. Mr. SUMI (Japan) said that his delegation had already stated its position with regard to the right to development (E/CN.4/1999/WG.18/2/Add.1), but he wished to highlight a few points that it considered important, since they could bridge the gaps between divergent schools of thought.

5. In the first place, there was already a common understanding that the subject of the right to development was the human person. That was clear from paragraph 10 of the Vienna Declaration and Programme of Action and from paragraph 3 of Commission resolution 1999/79.

6. The right to development did not entitle developing countries to claim assistance from developed countries nor to have their foreign debts reduced or forgiven. There had never been any official agreement to that effect. At the same time, there should be greater cooperation between developed and developing countries, as well as those in a transitional stage, in realizing the right to development, but the discussions should proceed on the basis of consensus.

7. The process would require time and effort. It was therefore necessary to act realistically and draw up priorities. In his delegation's view, those priorities should be the rule of law and good governance. The independent expert was correct, moreover, in advocating the prioritization of "core" rights and in stressing the need to work out a programme of action. Cooperation was also necessary, not only among individuals and organizations working in the human rights field but also with those in other fields.

8. He hoped that, when it finally met, the working group would be able to have a substantive and meaningful discussion, based on a consensus approach. The debate that had taken place in Sana'a, Yemen, in February 2000, within the framework of the inter-sessional workshop on human rights in the Asia-Pacific Region, had been conducted in a practical and serious way.

9. Recent Commission resolutions on the issue under consideration had been adopted by consensus. It was regrettable therefore that a confrontational approach had been adopted within the Third Committee of the General Assembly in 1999. Such an approach was counter-productive and a step backward from the achievements of the fifty-third session of the General Assembly, when a consensus had been close. The realization of the right to development required a strong commitment from every member of the international community and any resolution on the issue should be adopted by consensus.

10. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that they attached great importance to the right to development. The working group, which he hoped would shortly start its substantive work, should strive for consensus as a basis for further evolution in the implementation of the right. It would be of the utmost importance to discuss practical measures and share experience at the national and international levels and to involve the relevant United Nations agencies.

11. As gradually defined over the past decade, the right to development - which should be sustainable - was universal and inalienable. The human being was the central subject of development and the primary responsibility of the State was to eliminate obstacles to development. It thus had the duty of promoting and respecting the principles of full participation, non-discrimination and equitable distribution of the fruits of development. Special attention should be devoted to the vulnerable sectors of society. The international community should support such efforts through effective cooperation.

12. The right to development was interrelated with economic, social and cultural rights, as well as civil and political rights. The denial of any of those rights would therefore tend to deny the right to development itself. If the right to development was the right to a process that aimed at ensuring an environment in which substantive freedoms were enjoyed, all human rights should be respected. According to the approach developed by Mr. Amartya Sen, the Nobel prize winner for economics, economic growth was one means among many of realizing the right to development.

13. It was obvious that human rights stood at the heart of the implementation of the right to development. They were crucial as both means and end. It could thus not be argued therefore that the pursuit of development justified the neglect of civil and political rights or that the fulfilment of economic, social and cultural rights should precede or be a precondition for the defence of civil and political rights. Development should provide for the holistic needs of every human being rather than relate exclusively to material growth.

14. The importance of democracy and good governance took on all the more meaning when it was recalled that the State bore the main responsibility for creating conditions favourable to the right to development. The State should use the resources available not only in the most efficient way but also in the most equitable and sustainable way. Governments must therefore act in a transparent and accountable manner. That required allowing the democratic participation of citizens at all stages of decision-making.

15. The freedoms of expression, association and political participation were thus essential for the development process in at least three ways: they allowed the correct identification of people's needs; they worked as an "early-warning" system for serious deprivations of economic rights and they provided the conditions for good and transparent management of resources, which helped to prevent corruption.

16. Life expectancy, literacy levels and political freedom had been increasing, in absolute terms, for many years, while poverty levels - at least in relative terms - had fallen. The gains, had not been evenly distributed, however, and the populations of poor countries had in many cases become poorer. Although development could never be absolutely achieved, the main challenge was to fight extreme poverty in the places where it was widespread. Extreme poverty undermined human dignity and prevented the effective enjoyment of human rights. Cooperation by the international community was therefore required although, as the independent expert had acknowledged, better use of existing resources by Governments might be more effective than increasing the supply of resources. In its cooperation activity, the Union recognized the crucial role of good governance in ensuring long-term sustainable development, as spelled out in the new Convention between the Union and the African, Caribbean and Pacific (ACP) States.

17. The Union welcomed the recent developments in the strategies of international development, trade and financial institutions, and of government development agencies, to adjust them to the comprehensive concept of the right to development and to a rights-based approach to development. Such an approach, being more participatory, seemed better able to assess people's needs and ensure a more efficient use of resources. In that context, the Union welcomed the World Bank's recent adoption of a Comprehensive Development Framework.

18. A major challenge was to find solutions for the debt relief of heavily indebted poor countries. The Union therefore welcomed the modifications to the heavily indebted poor countries initiative, accelerating the assessment process and increasing the number of countries that could apply.

19. Globalization had the potential to provide a much higher volume of resources for development than was available from official development assistance (ODA). There had been a huge increase in international private and non-concessional capital flows to developing countries and ways must be found to ensure that the effect was a lasting one. Again, transparency and decentralized decision-making, with the full participation of the intended beneficiaries, were indispensable for attracting and maintaining foreign investment.

20. The mainstreaming of all human rights throughout the United Nations system, and most particularly of the right to development, had made remarkable progress. The High Commissioner for Human Rights had strengthened the ties of her Office with other

United Nations agencies, while the United Nations Development Group had adopted various guidelines which incorporated indicators of civil and political rights as well as economic and social indicators.

21. The Union welcomed the study by the independent expert on the right to development (E/CN.4/1999/WG.18/2) and agreed with his assessment that priority should be given to finding ways of appropriately implementing that right. It took note of his proposals, including that of a development compact, and hoped that he would continue to take into account the priorities defined by the World Summit for Social Development.

22. Mr. QIAO Zonghuai (China) welcomed the fact that, since the adoption of the Vienna Declaration and Programme of Action in 1993, the right to development had been recognized by the international community as a universal human right. It was both a collective and an individual right, since development was a mutually complementary process. The international community should attach equal importance to all development-related rights and adopt measures to guarantee them. Some developed countries, one-sidedly emphasized certain aspects of the right to development while denying others. Such an approach did more harm than good.

23. The primary responsibility of protecting and promoting human rights rested with Governments, which must take into account the characteristics of their own countries and adopt human rights measures in line with their actual needs. Different countries were at different stages of economic development. Even if their level of development was the same, they might adopt different paths because of varying political and social systems or cultural traditions. It was understandable that developing countries with a weak economy should give priority to achieving economic, social and cultural rights by tackling poverty.

24. Priority should be given to removing the obstacles to the realization of the right to development. Correct policies should be formulated at the national level, but there should also be a favourable international environment. Many developing countries risked being marginalized by the globalization trend. The developed countries should therefore demonstrate political will and help the developing ones. In particular, they should reverse the decline in ODA and reduce or cancel more foreign debt. The international community should also encourage developing countries to participate in the world economic decision-making process.

25. It was regrettable that, although two years had passed since the adoption of Commission resolution 1998/72, the working group had not yet met. All parties should demonstrate their sincerity in the consultations on the draft resolution on the right to development, so that it could be adopted by consensus.

26. Mr. CASTRO GRANDE (El Salvador) said his delegation was much concerned that the working group had not yet been able to begin its substantive work, which had been scheduled for the inter-sessional period. It was confident, however, that the recent election of the representative of Algeria as Chairman of the working group would help to get the work under way and make up for lost time.

27. In line with its commitment to promote and protect all human rights, his Government continued to support initiatives promoting the right to development. It was also in favour of

incorporating the Declaration on the Right to Development into the International Bill of Human Rights, on an equal footing with the International Covenants on Human Rights.

28. His delegation understood the right to development as the right of the individual to use the appropriate tools for the full development of his or her human potential, and also as the collective right of peoples to produce wealth, to grow, to develop and to have access to basic services. The responsibilities of Governments and of the international community were complementary in achieving sustainable human development.

29. Peace was the prerequisite for the effective enjoyment of all other human rights particularly the right to development. A culture of peace was not only vital to the furthering of social harmony, democracy, freedom and well-being, it was also essential to maintaining the dignity of the human person. Extreme poverty and violence posed the greatest threat to the right to development.

30. Mr. MOOSE (United States of America) said that development was the key to a stable, secure and prosperous world. The United States had been founded on belief in the inherent worth and dignity of every individual, a sentiment that was later to be incorporated into the International Bill of Human Rights and the Vienna Declaration.

31. His Government was committed to the concept of development, both at home and abroad, and to the well-established notion of international cooperation for development. There was broad consensus on certain basic truths such as the affirmation in the Vienna Declaration that the human person was the central subject of development. Indeed, a focus on the individual was essential to any successful strategy for promoting development. Viewed in that context, human development could not be measured in purely economic terms. As the High Commissioner for Human Rights had pointed out, a proper definition of the right to development was most likely to be found in the synthesis of all human rights.

32. There was also widespread agreement that it was the primary responsibility of Governments to act for the realization of the right to development and to promote conditions that would enable every member of society to realize his or her potential.

33. The Vienna Declaration also made it clear that the lack of development could not be invoked to justify the abridgement of internationally recognized human rights. Indeed, the freest nations tended to be the most prosperous, and Governments which cherished human rights and encouraged free markets and the rule of law reaped the benefit through the progress of their people.

34. States were also called upon to cooperate in ensuring development. His Government for its part, was proud of its long tradition of supporting the development aspirations of people throughout the world. For many years, the United States had been the largest contributor of international development assistance. It had also helped to create the vast system of international institutions devoted to development and had taken the initiative in proposing practical approaches to the pressing problems of international development.

35. The President of the United States had recently launched the most heavily indebted poor countries initiative (HIPC) which would save developing countries tens of billions of dollars in debt servicing costs, enabling them substantially to increase investments in health, education, infrastructure and the environment. Other Member States and the international financial institutions were urged to follow suit by offering expanded debt forgiveness programmes.

36. While ODA continued to be important, other factors weighed far more heavily in the development process. The phenomenal levels of growth that the world had witnessed in recent years - despite financial crises - reflected the central role of the private sector in responding to market opportunities. His Government thus attached great importance to ensuring the integration of all countries into the new global systems of trade and finance. Expanding trade and foreign direct investment (FDI) were clearly central to the creation of new jobs and economic opportunities and thus constituted an important means of achieving equity and stability.

37. With its low tariffs and open doors, the United States market was an important one for many developing countries: indeed, his country purchased about one-fifth of the world's imports. The strong support of his delegation for the World Trade Organization (WTO) was based on the conviction that, when countries played by the rules - whether with respect to trade or to human rights - everybody benefited. His Government thus looked forward to the entry of China into the WTO, and would also be encouraging the entry of other nations.

38. There was a direct and demonstrable relationship between individual liberty and economic progress. Indeed, it was the protection of individual liberties which unleashed a people's creative and entrepreneurial spirit. Governments had an overriding responsibility to their citizens, and genuine and sustainable development was fostered primarily by expanding individual human rights.

39. Mr. AKRAM (Pakistan) said that the greatest obstacles to the implementation of the right to development arose from the inequitable functioning of the international economic system. Despite concerns voiced by people in Seattle and elsewhere, it continued to be asserted that economic globalization offered limitless possibilities for countries to develop and prosper. There was no objective evidence to support that sweeping conclusion.

40. In actual fact, countries had been impeded in their development despite concerted efforts to integrate themselves into the global economy. Over the past three decades, the income disparity between the richest 20 per cent and the poorest 20 per cent of the world's people had more than doubled and some 1.6 billion people were economically worse off than they had been 15 years previously. The social impact of the financial crises in the Asian region had been devastating, with soaring suicide and divorce rates, increased abandonment of children and a rise in narcotic drug abuse. Recovery was painfully slow.

41. The right to development could not be realized in most developing countries without fundamental changes to the global economic framework. The problem of development was not solely, or even primarily, the result of inadequate domestic policies. Rather, the economic regression in the third world indicated that external factors were mostly to blame, the recent

financial crises having had the most severe impact on those countries which had been most successfully integrated into the global free market system. The Commission should therefore focus on removing the shortcomings in the international economic order.

42. The result of focusing on selected areas, such as the right to food, primary health care or education, would be to place the entire onus for development on the developing countries. Given their limited capacities, other developmental obligations and external vulnerabilities, such countries could hardly be expected to make significant progress. A focus on selected areas would also divert attention from measures for international cooperation, including those agreed upon at the various world summits, but as yet not fully implemented.

43. Rather than devising development indicators in arbitrarily chosen sectors, the international community should thus agree on indicators for achieving an enabling environment for development. Such indicators might include adequate financing for development, equitable global trading rules, fair access to knowledge and technology, fair treatment in the global economy and effective participation in international economic decision-making.

44. At the organizational level, preparations for discussions on the right to development should be improved, inter alia through the convening of workshops and discussion groups on issues to be addressed in working groups. Greater participation of the specialized agencies and economic institutions in the deliberations of those working groups should be encouraged. It was also important to ensure that independent experts and working group rapporteurs adhered strictly to their mandates. Finally, there was an urgent need to enhance the institutional capacity of the Office of the High Commissioner for Human Rights (OHCHR) by reallocating existing resources.

45. Mr. OYARCE (Chile), reaffirming the importance of the political consensus achieved in the Vienna Declaration and Plan of Action, said that preservation of the spirit of Vienna was an obligation upon States. His delegation was concerned that the right to development as an integral part of fundamental human rights might exacerbate divergent interpretations and erode the Vienna consensus. The challenge was to orientate recognition of the right to development as a legal category which presupposed a harmonious relationship between its national and international dimensions and prevent the concept from being perceived from a North-South standpoint that would give rise to a sterile political debate limiting what might be achieved.

46. The benefits of globalization did not always reach the ordinary citizen, whether in developed or developing countries: it caused uncertainty, insecurity and anxiety, and efforts should be made to adjust policies so that globalization did not have an adverse effect upon individuals.

47. The right to development should be understood holistically as bringing together both the development of the human being as an individual and the right of individuals and peoples to economic development.

48. His delegation had noted the first part of the study on the current state of progress in the implementation of the right to development submitted by the independent expert. In the next

stage of the study, it would be appropriate to incorporate the integrated approach which was being generated in the inter-agency dialogue and which was a new way of looking at development.

49. His delegation had given careful consideration to the report by the High Commissioner on implementation of the right to development (E/CN.4/2000/20) and had a few comments to make. OHCHR should share with other agencies and institutions of the United Nations system the Comprehensive Development Framework established by the World Bank. It might also evaluate, from the standpoint of the right to development, an approach being considered in the United Nations Conference on Trade and Development (UNCTAD) regarding a combination of the processes of conversion of foreign debt and reduction of child labour. Thirdly, OHCHR should consider the possibility of implementing the right to development by identifying the decisive factors in each country that could assist such implementation and developing an integrated vision embracing both the developed and developing countries as the only way in which the right to development could be integrated into national strategies and at the international level.

50. Mr. SANDOVAL BERNAL (Colombia) said that the right to development must be the joint concern of States and the international community. The economic, commercial and technological inequalities that were impeding the advancement of the developing countries increased the already great distance between the centre and the periphery, with serious consequences for international stability and security. The creation of a favourable economic environment was essential if tensions were to decrease and the opportunities for world peace increase. Such growing threats as transnational crime and terrorism and environmental degradation were, to a large extent, caused by the serious inequalities currently prevailing.

51. Globalization was irreversible. That fact must be recognized and the necessary corrective measures adopted. While globalization was advancing rapidly, opportunities for participation in the global economy, technology and government were not developing at the same rate. Powerful economic centres were demanding a free market while pursuing protectionist policies, thereby widening the gap between the first and third worlds. Peace, security and democracy would be fragile if a large part of the world's population was beset by dire poverty, malnutrition, illiteracy, hunger and disease.

52. The information revolution, encouraged by globalization, offered immense possibilities for progress, but had also erected a barrier between those having access to its benefits and the great majority that did not. The right to development included increased access to new technology and scientific and cultural advances. It must be the aim of all peoples to spread the benefits of material and intellectual progress through the exercise of the right to development. There were no winners or losers when it came to development: it was the common concern of the whole international community and on it depended global peace and security.

53. Mr. DIAZ (Mexico) said that the Declaration on the Right to Development recognized international cooperation as indispensable for the exercise of that right. The development efforts of many countries were severely hampered by the inequalities of the international economic

system, while instruments designed to promote development had not produced results: indeed, the number of persons living in extreme poverty had increased. National and international mechanisms for the removal of obstacles to development must be urgently activated.

54. One of the principal obstacles to development was the gap between the most pressing economic and social needs of States and the international agenda. Developing countries must play a larger and more effective part in the international economic decision-making process if that gap was to be closed. His delegation was thus in favour of a wide round of multilateral trade negotiations in the WTO designed to consolidate an open system of multilateral trade that would incorporate the development needs of all countries.

55. A new system of international finance incorporating the concept of the right to development must be introduced. His delegation had proposed that a mechanism should be created to give early warning of and increase capacities for responding to international financial crises that were capable of wiping out years of work. Globalization carried huge risks but also opened new doors to development. The global economy must be built on sustainable bases that marginalized no country and contributed to the eradication of extreme poverty.

56. His delegation was confident that the dialogue established by the High Commissioner for Human Rights with various international institutions would encourage them to pay increased attention to the right to development and reflect that concept in their international economic policies. It was convinced that the right of all nations to development could be achieved only as a result of a joint commitment at the domestic State level and in the international sphere.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF FINLAND

57. Mr. TUOMIOJA (Finland) said that the International Bill of Human Rights had merely codified the existing shared values of all peoples, which were articulated in a variety of ethical and religious traditions. The time had long passed since Governments could unilaterally waive respect for those human rights and fundamental freedoms. The growing number of ratifications of human rights instruments indicated wide support for further international monitoring.

58. Much remained to be done to improve global implementation of human rights, both in the case of Governments acting in clear disregard of international concerns and of those acting in good faith but lacking both resources and a significant civil society. Some States had discovered that, by making their accountability subject to binding decisions by regional courts, they were able to improve their human rights record.

59. All Governments should cooperate fully with special rapporteurs and working groups and respect the Commission's procedures and mechanisms, which continued to do a very good job despite limited resources and mandates. His Government welcomed the efforts of the intergovernmental working group to enhance the effectiveness and independence of the Commission's mechanisms, but looked forward to more ambitious reforms in the future. Indeed, the Commission could do much more to monitor and encourage the realization of human rights and to help prevent violations.

60. The primary responsibility for the realization of human rights obligations rested with Governments which should ensure that the administration of justice met the required standards and create the appropriate independent institutions at the national level.

61. Human rights violations in Chechnya were a source of deep concern and the suffering inflicted on the civilian population was unacceptable. Full and immediate investigations should be conducted into alleged violations of human rights and humanitarian law there, in order that those responsible might be brought to justice. To that end, full cooperation with international and regional human rights mechanisms was essential. His delegation trusted, moreover, that the High Commissioner for Human Rights would visit Chechnya at the earliest opportunity. Unhindered access to aid agencies must be secured, with a view to averting further suffering. Furthermore, the future compliance of the Russian Federation with its obligations under international human rights instruments must be ensured.

62. The involvement of civil society and committed individuals was crucial if States were to fulfil their responsibilities in the human rights field. Governments should thus view human rights defenders as partners in a common effort to improve the human rights situation in their countries. Mechanisms must be devised to ensure the protection of such defenders and the Secretary-General should be requested to appoint a special representative on human rights defenders.

63. The increasingly free movement of finance, as well as international corporate mergers, posed a challenge to Governments attempting to maintain control over social policies and to meet labour and human rights standards. Civil society, by networking internationally, had, however, managed to put pressure on corporations to account to consumers for their performance in maintaining environmental and other standards. Governments must respond to such increasingly global phenomena by improving international cooperation and their interaction with civil society.

64. The continuing unequal status of women was nothing less than a fundamental distortion of human rights. None of the traditional, cultural or religious "justifications" for upholding gender discrimination were acceptable. Women did not constitute a vulnerable group, they were fully capable members of society provided that their status was not compromised by discriminatory laws or practices which prevented the full exercise of their rights.

65. The use of the death penalty was a serious human rights problem, which jeopardized, inter alia, the right to life and the right to freedom from inhuman and degrading punishment. Since the penalty could never be applied in a manner compatible with human dignity, it should be opposed in all its forms and ultimately abolished. The death penalty was disproportionately imposed on disadvantaged minorities and poorer persons and societies which were determined to reduce social inequalities appeared more ready to reject that degrading custom than those which were indifferent towards social exclusion and poverty.

66. Modern prosperity and peace depended on society's ability to accommodate differences and promote tolerance. Indeed, countries which had learned to benefit from a wide range of

traditions seemed to be the most prosperous, both culturally and economically. Societies based on intolerance not only placed a heavy burden on their own people, but were potentially dangerous to their neighbours.

67. The forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance afforded the international community an opportunity of developing its understanding of the implications of racism as a human rights issue. The participation of non-governmental organizations (NGOs) in the World Conference was indispensable, since a voice must be given to the victims of racism.

68. In Europe, racism continued to pose a serious challenge. Migrant communities and persons belonging to national minorities typically faced problems in the labour market and were subject to social exclusion. His own Government sought to ensure the participation of minorities in decisions affecting them. Positive experience of the cultural autonomy of the Sami indigenous people of Finnish Lapland and of long-standing cooperation with the Roma minority had shown that it was possible to combat exclusion from society and to reduce the potential for racism by safeguarding minority rights.

69. Given that the rights of indigenous peoples, including their linguistic and cultural rights, continued to be at risk in many parts of the world, his Government warmly welcomed the progress achieved towards the establishment of a permanent forum for indigenous people under the Economic and Social Council. Such a forum was essential for safeguarding the effective participation of indigenous peoples and must have a broad enough mandate to enable it to promote indigenous rights within the United Nations system as a whole. It was to be hoped that the Commission would produce concrete recommendations to that effect.

70. Given that refugee flows often resulted from violations of human rights directed at minorities, refugee and asylum-seeking issues must be viewed both in the context of respecting human rights and of preventing discrimination.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SPAIN

71. Mr. MATUTES JUAN (Spain) said that, although Spain had not been a member of the Commission since 1990, it had never failed to be represented in the forum, and had continued to extend its commitment to human rights through the ratification and implementation of the relevant international instruments and through its active participation in peace processes. Spain was also stepping up its efforts to alleviate the refugee problem.

72. His country's commitment to the promotion and protection of human rights must be viewed in the context of action by the European Union. The common values of the member States of the Union were embodied in the Treaty of Amsterdam and included democracy and respect for human rights. He thus fully endorsed the statement by the representative of Portugal on behalf of the European Union.

73. The international community's concern regarding the promotion and protection of all human rights and fundamental freedoms was absolutely legitimate, and the Commission was the forum in which any deficiency in that area, and any effort to remedy it, could be the subject of

study and discussion irrespective of the situation and location concerned. Bilateral cooperation and dialogue could also be very useful, but cooperation by all countries in the promotion of and respect for human rights was still a distant goal.

74. Despite the steady expansion of democracy, there were still far too many examples of places where the law was designed to ensure the survival of a specific political regime rather than being the emanation of the people's will, and that was the prime cause of a lack of respect for human rights. The spread of armed conflict also gave rise to many violations of human rights and humanitarian law.

75. His Government attached special importance to regional cooperation mechanisms as the most appropriate framework for the settlement of disputes and the promotion and guarantee of human rights. It also viewed with interest the evolution of domestic political processes in some countries which held out promise in terms of respect for human rights. The Islamic Republic of Iran was a case in point.

76. Regarding the right to life as something which could not be renounced, Spanish society had openly opposed the death penalty and his Government had been steadfast in supporting efforts to achieve the universal abolition of capital punishment and, in the interim, the application of a moratorium on its execution.

77. While offering many opportunities, globalization also exacerbated harmful phenomena such as racism, xenophobia and intolerance. His Government would always remain on its guard against such phenomena, and was fully prepared to collaborate with the international community in their eradication. He wished, therefore, to express its support for the holding of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in South Africa in 2001.

78. It was vitally important, in his Government's view, to establish a mechanism that would enable the Declaration on human rights defenders to become effective, and to send a message of support to NGOs and individuals working for the promotion and protection of human rights.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF DENMARK

79. Mr. HELVEG PETERSEN (Denmark), having mentioned that he fully subscribed to the statement by the representative of Portugal on behalf of the European Union, said that his Government hoped that the Commission would transmit the draft optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on sale of children, child prostitution and child pornography for speedy adoption by the General Assembly. Both texts represented advances in protecting the rights of the child, although the former was not, in his delegation's view, perfect.

80. There had also been significant progress towards the establishment of a permanent forum within the United Nations for indigenous peoples: the time had come for action, and his delegation was prepared to submit a draft resolution on the subject to the Commission at its current session. The adoption of a declaration on the rights of indigenous peoples would also be proof of a determination to deal seriously with the problems facing those peoples.

81. There was no more shameful violation of human rights and human dignity than torture, which not only hurt the victims but also degraded those who perpetrated, condoned or tolerated it. Unfortunately, it was not sufficient to outlaw torture: the international community needed to make further efforts to prevent it, to facilitate the investigation of allegations of torture, to ensure that torturers were brought to justice, and to facilitate the rehabilitation of victims. The adoption of an optional protocol on a global inspection system based on the principle of missions without prior consent was thus a matter of urgency. His delegation was prepared to take the lead at the current session in submitting a draft resolution on the subject.

82. The Commission should take a firm stand on the abolition of the death penalty. It was also high time that it adopted an effective mechanism to ensure oversight by the international community of the protection of human rights defenders, who were strong and indispensable, but also vulnerable.

83. He shared the High Commissioner's view that the collective capacity for conflict prevention must be developed and the gap between early warning and response bridged. He also shared her concern regarding the situations in Kosovo, Sierra Leone and Chechnya. The fact that the Russian Federation had invited the High Commissioner to visit Chechnya was welcome, and was to be seen as a willingness to enter into dialogue on the protection of human rights in the region.

84. His Government found that it was usually more effective to deal with human rights problems in a constructive bilateral and multilateral dialogue with other countries, but for such a dialogue to be effective there had to be a genuine willingness to conduct it, a willingness and ability to solve human rights problems, and the possibility of conducting the dialogue not only at Government-to-Government level but also with civil society and the political opposition. Some situations, however, had to be addressed in a multilateral context: the credibility of the international community often required that the Commission on Human Rights take a stand to ensure that human rights were applied in the interest of every human being.

85. Denmark gave very high priority in its development assistance to supporting specific measures to improve the promotion and protection of human rights and to facilitate democratization. Its development assistance represented 1 per cent of its gross national product (GNP).

86. With increasing international mobility, racial and ethnic discrimination was becoming an increasingly serious problem and the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance provided a very useful context for intensifying efforts to deal with it.

87. Unfortunately, there were rogue States that engaged in or tolerated massive and systematic human rights violations. The international community could not stand idly by when States were beyond the reach of reason and dialogue. In the past 50 years, the international community had developed an impressive body of human rights law but what was still lacking was the effective implementation of those rules by the existing international machinery, in the very last resort through the use of force. The international community should rely on the Security Council to authorize humanitarian intervention. If the Security Council was blocked,

humanitarian intervention might be considered only in extreme cases, only as an "emergency exit" from the norms of international law, and only if clearly justified by political and moral considerations in the case concerned.

88. The Security Council must do its utmost to live up to its primary responsibility for the maintenance of peace, security and humanitarian decency and, if the Member States failed to ensure that the Security Council functioned effectively, its influence would be diminished. That could not be in the interests of the international community. To that end, he had suggested at the last session of the General Assembly that a procedural rule be established whereby a permanent member of the Security Council would be obliged to explain why it had decided to exercise its right of veto in a given case. Such a rule would impede the use of the veto for the purpose of national interests, and might result in the veto being used more responsibly and with more discipline for the benefit of the international community as a whole.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF ALBANIA

89. Mr. MILO (Albania) said that, in passing from the phase of emergency to that of long-term development, Albania had been making perceptible progress in implementing human rights by establishing the rule of law, consolidating democratic institutions and improving the standards that regulated relations between individuals and the State. Albania had approved a Constitution, abrogated the death penalty and introduced the institution of ombudsman; it had also ratified most United Nations human rights conventions, and had recently begun work on its reports to the respective committees.

90. The Constitution of Albania gave prominence to fundamental principles for the implementation and protection of human rights, and, in that connection, paid particular attention to the fight against poverty and social and employment policies. His Government had approved a number of projects and programmes, which would be implemented with the direct assistance of organizations such as the International Monetary Fund (IMF), the World Bank and the European Bank for Reconstruction and Development (EBRD).

91. Like other countries in its region, Albania had become involved in the Stability Pact, which devoted particular attention to democratization and human rights. Without the consolidation of democracy and respect for human rights in all the countries of the region, there could be no stable economic progress and security. Albania's development was closely linked to the balanced development of the region as a whole, and especially to the situation in Kosovo.

92. Kosovo had made progress in respect of the implementation of Security Council resolution 1244 (1999), and serious efforts had been made to normalize the situation, rebuild economic life, prepare the infrastructure for future elections and minimize the effects of ethnic hatred between Albanians and Serbs. However, the situation there was still far from normal: some 200,000 Albanians were homeless, and there was extreme poverty, especially in rural areas which had received no economic assistance despite earlier promises.

93. The right to development continued to be jeopardized by the ethnic conflicts which were still undermining the process of normalization and stabilization in Kosovo. While much had been done to reduce ethnic tension, no time must be lost in solving outstanding problems if the

goal of coexistence in a multiethnic society was to be achieved. All Kosovar political prisoners held in Serbia must be released and the many persons who had disappeared during the conflict must be located. He therefore fully supported the decision of the United Nations representative in Kosovo to appoint a special United Nations representative to deal with the question of persons who had disappeared and the Albanians still detained in Serb prisons. It was of equal importance to bring to justice all those responsible for the Kosovo tragedy.

94. The normalization of ethnic relations remained a primary condition for the building of an open and democratic society. Recent episodes of ethnic violence therefore represented a step backwards. Mitrovica continued to remain the touchstone for the viability of Security Council resolution 1244 (1999) and the effectiveness of international civil and military involvement in Kosovo. President Milosevic used Mitrovica to organize unrest and increase tension: he was not interested in implementing resolution 1244 (1999). The ethnic Albanians must exercise self-restraint and cooperate closely with KFOR and the United Nations Interim Administration in Kosovo (UNMIK).

95. Albania was committed to the full implementation of resolution 1244 (1999) and condemned any attempt by extremist forces to provoke new conflict. His Government believed that the spirit of understanding and cooperation that had been demonstrated in the recent positive developments in Presheve, Bujanovc and Medvegja showed that the ethnic Albanians were ready to act for the protection of their rights and freedoms. It would continue to support the endeavours of the international community to find real solutions to the problems in Kosovo and other parts of the former Yugoslavia, and called upon the international community to take the measures necessary to avoid a new conflict in the region.

96. Albania had a natural right to play an active role in Kosovo, and the Serb propaganda regarding a "greater Albania" bore no relationship to reality. The future of all Albanians lay in a greater Europe rather than in a greater Kosovo or a greater Albania.

STATEMENT BY THE MEMBER OF THE EUROPEAN COMMISSION WITH RESPONSIBILITY FOR EXTERNAL RELATIONS

97. Mr. PATTEN (European Commission) said that he wished to associate himself with the statement made by the representative of the European Union. He himself had the honour to be the first Union Commissioner with responsibility for human rights issues. He was currently preparing a fresh human rights strategy for the Union and new proposals for European Commission funding for the promotion of human rights worldwide.

98. There were historical, legal and moral reasons for the interest of the European Commission in human rights. The human rights abuses witnessed in the first half of the twentieth century had played a part in the formation of the European Union. What had begun as an economic alliance had matured into a political partnership. The Union had recognized the continued need to act in order to promote respect for human rights by writing such rights into its own treaties and its agreements with third countries. It thus had a legal and moral obligation to promote human rights both at home and abroad.

99. The worrying rise in racism, xenophobia and intolerance within the borders of the Union and, in some countries, within political establishments, bore witness to the fact that Europe's experience was far from perfect. The Union was therefore actively involved in the preparations for the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Commission was providing financial support to NGOs involved in the European preparatory process. He was also pleased to announce that the European Commission would make a significant contribution to OHCHR in respect of the World Conference.

100. The Union's recognition of the need to deal with racism within its own borders was evidence of its belief that respect for human rights must be universally applicable. The right to freedom of speech did not stop at certain borders. Freedom of assembly and the ability to hold the Government accountable for its acts were appropriate for all countries, regardless of their history.

101. Europe's attempts to create a common foreign and security policy reflected common values and political and economic interests. He was a staunch supporter of the United Nations High Commissioner for Human Rights and hoped to strengthen the dialogue and links between their two organizations. A joint initiative to develop a common approach to training human rights monitors was being pursued and a successful pilot training course had already been held. It was intended that the European Commission should fund some of the other projects in the 2000 appeal, and he would be working closely with OHCHR to identify such projects.

102. Much of the money allocated to the European Initiative for Democracy and Human Rights rightly went to NGOs. He wished to pay tribute to the work of the many NGO defenders of human rights throughout the world, and strongly encouraged implementation of the Declaration on human rights defenders. He also wished to pay tribute to those NGOs without whose whistle-blowing the international community might sometimes be tempted to turn a blind eye to abuses.

103. It was, however, Governments which had the primary responsibility for carrying through their commitment to human rights and which were the principal actors at the Commissions sessions. It was for the 15 European Union Governments to decide whether or not the Union could agree on a united view of the human rights record of an individual country.

104. Debating human rights in the abstract could never excuse inaction on the ground. Dialogue could not substitute for deeds, and signing conventions was not the same as ratifying and applying them. A signature must be an expression of an unambiguous intent to implement a convention fully as soon as possible, and to respect its spirit immediately. It must certainly not be a tool for diplomatic delay. Dialogue could be a legitimate alternative to one-sided criticism, but it must show results to be accepted as a valid alternative.

105. It was neither morally acceptable nor economically wise to believe that closing one's eyes to abuses opened up opportunities for trade. There was a definite link between the interests of investors and exporters and the rights of the citizens of the country with which they traded. Both sides benefited from respect for the rule of law, free speech and accountable and participative government.

106. The Internet had proved an invaluable tool for exposing human rights abuses, reaching out to victims of such abuse and marshalling public opinion. It was not, of course, available to all, nor was all the information on it equally reliable and valuable. It could also be a tool of abuse, as the numerous Web sites set up by hate groups, revisionists and racist organizations in the United States of America demonstrated. While such abuses needed to be addressed, he believed that, overall, the Internet promoted pluralism and dialogue.

107. Governments did not have the monopoly on bad behaviour. Terrorism was a human rights abuse, and the Union condemned it in all its forms. However, the fight against terrorism could not be an excuse for tolerating abuse of the human rights of the wider population.

108. It was always better to search for a political solution to any situation, since such a solution was likely to be more enduring and respectful of human rights than a military approach. Above all, humanitarian law must always be observed during a conflict. The argument as to whether foreign policy should be ethical or simply carried out in pursuit of national interests was an absurd one, since a policy which at least attempted to take account of ethical notions would always serve the national interest most effectively.

The meeting rose at 1 p.m.